

THE

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ARREST, TRIAL, AND RELEASE

OF

DANIEL WEBSTER,

A

FUGITIVE SLAVE.

CORRESPONDENCE OF THE ANTI-SLAVERY STANDARD.

Philadelphia :

PENNSYLVANIA ANTI-SLAVERY SOCIETY,

107 NORTH FIFTH STREET.

1859.

SLAVE CASE.

PHILADELPHIA, April 11th, 1859.

OUR Fugitive Slave case, the happy termination of which you have announced, occasioned an intense excitement in this city during the whole of last week. The proceedings, as published from day to day, have doubtless been seen by most of your readers; but you will naturally look for some further account of the affair from one who has regarded it from a different point of view, and seen it through a somewhat different medium.

On the forenoon of Saturday, the 2d inst., we received two telegrams from Harrisburg—one from a member of the Vigilance Committee there, and another from a member of the House of Representatives—both informing us that an alleged fugitive slave had been arrested that morning by Deputy Marshal Jenkins, and was then on his way to Philadelphia. The latter despatch concluded with the words—"do what you can for him." We did not need this stimulus; for, although our hearts sank within us at the intelligence, being confident, from the history of the past, of a disastrous result, we said with one consent: "We must fight it to the last; we must spare no pains; we must dispute every inch of ground; we must do all we can for the poor fellow."

The first step to be taken was to retain counsel. In less than an hour Wm. S. Peirce, our long-tried and faith

ful legal friend, Geo. H. Earle, Chas. Gilpin and Edward Hopper, Esquires, were engaged to meet the exigencies of the case, whatever they might be, to the extent of their ability. In about another hour word was brought to us that the prisoner had arrived at the Marshal's office, in custody of his captors. It was evident that the case was to be hurried through with the usual indecent haste. A telegraphic despatch was sent to the member of the House at Harrisburg referred to, concluding with—"furnish us with a reason for delay of proceedings." A reply was received, "We are looking for witnesses."

One of our Committee hastened to the Marshal's office to see the man. Before making any request to that effect, he was politely informed by Deputy Marshal Tippin that if he desired an interview with the prisoner, there would be no objection. He was shown into a back room, where sat the poor fellow in a corner, his hands manacled, and his face the picture of despair. There was no opportunity for private conversation. Deputy Marshal Jenkins came in and took his seat near us. Other officers and hangers-on of the place stood at the door to see and hear what would be going on. After a few words of commiseration and of inquiry as to the circumstances of the case, the visitor said: "How is it that you are handcuffed? Who put those manacles on you?" "*I did*," said the gruff voice of Jenkins. "This is something unusual. It's the first time I have seen an alleged fugitive kept in this office in chains. It is an outrage!" "I'll take them off directly," was Jenkins's reply—but he didn't move to do so. "We were afraid of a rescue," he added, after a pause. "He cried 'help!' 'help!' and brought about a hundred niggers around us. He *did* try to grab a butcher-knife from off one of the stalls." "Wishing

you no harm," interposed the visitor, "I am sorry he didn't succeed." "I dare say you are. I have no doubt it would have pleased you if he had plunged the knife into my heart. It's not the first time I have been insulted by people of your kind." "I have said nothing to insult you; it is not my way to insult people." "You said you wished he had got the butcher-knife." "So I did; and I would wish the same thing if anybody should attempt to make a slave of you. I put it to you, Mr. Jenkins, as a man: if any one were to attempt to fasten handcuffs on your wrists to make a slave of you, would you not want to get hold of a butcher-knife?" "Perhaps I would," was the muttered reply. "But in this case I am only doing my duty." "No, you are not only doing your duty." "I must execute the law." "There is no compulsion; you hold your office of choice." "I have no feeling in the matter." "That is my objection to you." "I have no feeling against a fugitive. Daniel will tell you, if you ask him, that I treated him kindly." "Yes, sir, the gentleman was very kind to me in the cars. I must say that for him. But oh," continued the poor fellow, bursting into an agony of grief, "my poor wife! my poor wife! Little did I think this morning that I was to be jerked away from her all of a sudden!" Have you any children, Daniel? No, sir; I had two, but they are dead. I buried the second one last week."

The by-standers looked on in silence. Jenkins took a key out of his waist-coat pocket and unlocked the manacles. Nearly all seemed touched by the scene. The visitor rose to come away, and the silence was broken by one of the hangers-on referred to, who commenced denouncing "cowardly Abolitionists, who would excite the people to rebellion and then be the first to show the white feather."

The hour had now arrived when the case was to come before the Commissioner. The prisoner was produced, accompanied by his claimants and their counsel, Benj. H. Brewster, Esq. ; but of our lawyers only two were present, and one of these could remain but a few minutes. Mr. Peirce had been compelled by a previous engagement to leave town ; Mr. Gilpin did not make his appearance (nor did he at any subsequent stage of the proceedings) ; Mr. Earle had a *habeas corpus* case in another Court, which imperatively demanded his attention, so that Mr. Hopper was the only one left to take charge of the case. Mr. Earle asked for a continuance to another day on the ground of want of time. While he was speaking, a messenger came for him, and he was obliged to leave suddenly to save his client from prison. Mr. Hopper pressed the motion for adjournment. Mr. Brewster opposed it. He insisted on the right of his client, under the law, to a "prompt" and "summary" disposition of the case. Mr. Hopper stated that as yet he had had no time whatever to acquaint himself with the facts of the case, or to converse with the prisoner. Mr. Brewster insisted on "summary process." Mr. Hopper stated that Mr. McKim, a friend of the prisoner, to whom the case had in some measure been entrusted, desired to say a few words, if there should be no objection. "None whatever," was the response of Mr. Brewster. "I should be pleased to hear what Mr. McKim may have to say ; and I am quite sure your honor will have no objections." The Commissioner had no objections, provided Mr. McKim should say what he had to communicate under oath. Mr. McKim was affirmed, and stated that the case had been brought to his knowledge but a few hours before ; that he had barely time to engage counsel ; that he believed, from a con-

versation he had had with the prisoner, and the contents of a telegram he had received from Harrisburg, that testimony would be forthcoming in the course of twenty-four hours that would be important to the interests of the prisoner, and might prove his title to liberty. Whereupon the Commissioner granted a continuance until Monday at 10 o'clock a. m. Mr. Brewster took occasion to state, before the adjournment, in order that he might not be misunderstood, especially by the gentleman who appeared as next friend to the prisoner, whose feelings and position he appreciated and respected, how he came to be employed as counsel in this case. It had been kicked about from one to another, and refused on various pretexts, till it had come to him. He had taken it as a matter of professional duty. He would shrink from no case because of the odium that might attach to it, and he would levy no "black mail." He would charge a fair fee, proportioning it to the amount of his services. The Commissioner followed with a few words of explanation as to his connection with the matter, and the case was adjourned till Monday.

This adjournment was the man's salvation. If compelled to proceed on Saturday, as we inevitably should have been under Ingram, or under Judge Kane in the latter part of his career, Daniel would have gone into the lion's den beyond the hope of prevention. Delay gave us a chance to look for testimony and take our appeal to the people. The Saturday afternoon and Sunday morning papers gave publicity to the facts. The community was deeply moved. By Monday the city was in a hopeful state of excitement. Still, we had no hope. The most we expected to do was to make a good fight; to protract the issue; to turn the case to general account,

and build up public opinion against the recurrence of a similar exigency. We had reason to believe that the claimant had come well prepared with papers and witnesses, and we had no positive assurance that we should be able to meet him with rebutting testimony. We remembered that every case that had as yet come before a Commissioner, under the act of 1850, had gone against us ; that Ingram had sent into slavery every alleged fugitive that had been brought before him, including Adam Gibson, subsequently admitted to be a free man ; and that David Paul Brown, Jr., in the only case that he had ever had occasion to try, had decided in favor of the slaveholder. Of Mr. Longstreth we knew nothing except that he was a scion of an old Quaker stock, his family being one of the most respectable and well reputed in the city of Philadelphia. But what was to be expected from a man of anti-slavery origin and Quaker antecedents who would accept the office of Commissioner under the Fugitive Slave law, and deliberately issue a writ to apprehend and reënslave an innocent human being ? Nothing—just nothing whatever ; and that, in regard to the immediate result, was the amount of our anticipations in this case. And such, too, with a very slight exception, was the state of mind of the whole anti-slavery community.

We were resolved, however, that the Commissioner should do his "duty," as he chose to regard it, in the presence of respectable witnesses ; that he should put the manacles on the wrists of his victim—if that were to be the result—"in the face of Israel and the sun" ; that a cloud of spectators, such as rarely grace such scenes, should be present to behold the deed. Accordingly, at the hour appointed, on Monday morning, the little office

of the Commissioner was densely packed with respectable people of both sexes, and the street was crowded with those who were unable to get in. To try the case under such circumstances was an impossibility, and the Commissioner announced that it would be adjourned to the United States Grand Jury Room in Fifth street, a small apartment in the eastern wing of the old State House. Thither the prisoner was borne under a strong guard of Deputy Marshals, and after him followed the people in a dense and excited crowd. The room was scarcely reached before every seat in it was occupied. The doors were closed, and the great mass of the people, including some who were connected with the case, were left standing in the hall-passage and in the street. Attempts were made by force to clear the passage and drive back the crowd. Colored people and some whites were collared and rudely thrust out. Marshal Yost called on his deputies and the city police who were present, which latter he had no right to do, to aid in clearing the passage. The deputies and the city police—the latter having no right to do so—obeyed his orders. But still the passage was not cleared. Ladies stood on the steps and gentlemen lingered near the walls, having no desire whatever to obstruct the way, but unwilling to abandon the proper purpose which had brought them there. They were not a mob; they had come there on a lawful errand; they were Pennsylvanians, and had a right to stand in the halls of their own State House; they were behaving decently, and they would not be driven from their rights. Some of the star police were rude. A remonstrance was borne to the Mayor against their interference. The Mayor disclaimed any purpose to interfere, and his police were withdrawn from the building, and their functions thence-

forward limited to the street. The duty of clearing the passage and bullying the ladies was left to the United States officials. The latter was done effectually, but beyond this there was not much progress. A gentle Quaker lady, a minister in the Society, presented herself at the Commissioner's door and was ordered back ; she was retreating, when your correspondent raised his voice and said : " That lady is the Commissioner's aunt. If anybody has a right to go in, she has." " She can go in," was the reply of the officer. " But fall back, gentlemen, there is no space for any more in the room, except parties to the case and witnesses." " Then let the trial be removed to a place where there is room. We demand admittance. We are interested deeply in the case ; it is as much our concern as anybody's." Still, the passage was not entirely cleared. The vestibule between it and the court-room was so crowded that when Mr. Brewster presented himself for admission, he found he could not get in without more effort than he chose to make. He declared that he would not attempt to enter till the vestibule was cleared. This brought out Mr. District-Attorney Vandyke. He rushed into the arena, his face livid with rage, and his habitually malevolent countenance wearing a scowl of unusual malignity. The obstruction complained of was at the door-way, but he demanded that the whole passage should be cleared, and ordered all peremptorily to leave at once. " Ladies and gentlemen, you must clear this passage ; ladies, you *must* leave." One, whose gentle countenance and quiet dignity would have disarmed any common ruffian, ventured to say, " We have a perfect right to be here ; and you have no right to drive us away." " Madam," was the reply of this chivalrous officer, " I'll have you arrested." " No, Mr.

Vandyke, you will not undertake to arrest me." "I will; I will have you arrested"; and he left as if to send an officer. But discretion got the better of valor, and the lady was allowed to remain, until, through the intervention of a friend, she and those who accompanied her were provided with seats in the Commissioner's room.

At last, however, those who were concerned in the case, and as many others as could get in, were fairly included within the walls of the little 12 by 14 feet room, and the case was ready to go on. Mrs. Mott had taken her seat beside the prisoner, who was guarded closely by two deputies. Mr. Brewster was about presenting his papers, when Mr. Earle rose to denounce, which he did in eloquent terms, the cowardly and despotic policy of choosing an apartment for the trial to which the people could not be admitted. He objected to going on in such a place, and protested against a revival of the infamous Star Chamber practice of excluding the public.

The Commissioner said that all courts of justice were liable to the same objections, and Mr. Brewster was told to proceed, which he did. He read the papers on which was based the claimant's demand, and then the contest commenced in due form. The counsel for the prisoner, Messrs. Peirce, Earle and Hopper, watched the movements of their antagonist with hawk-eyed vigilance, and pounced upon him at every turn. Every informality, every irregularity, real or apparent, was noticed and made the ground of objection. No effort that a skilful lawyer can employ was left unresorted to to weaken the case of the claimant's counsel and embarrass his progress. The forenoon was consumed in this way, and the result was that one document was ruled out, and a good record made up for publication in the evening papers.

In the afternoon the same scenes of confusion and excitement took place at the door. The hearing had been removed to the U. S. District Court room, a larger and more commodious apartment, but there was still no space for a hundredth part of the people who desired admission. Included among the audience was a large number of the most respectable and accomplished ladies of Philadelphia. Mrs. Mott came forward within the bar and resumed her place at the side of the prisoner. To this objection was made by one of the officers, who directed her to take her seat among the rest of the ladies. This she was about doing; but on stating the circumstance to Mr. Hopper, he restored her chair, which had been removed, to its place, desired her to resume her seat, and forbade the officer to repeat the offence.

The trial of the case was again taken up, and the counsel for the claimant commenced calling his witnesses. The first to take the stand was Dr. Luckett, a Virginian, who had come from his native State to this city to pursue the practice of medicine. The Doctor identified the prisoner as a slave of the late French Simpson. He had visited him once when ill of typhoid fever. He "*knew*" it was the same man. The Doctor answered all questions put to him with a promptness that amounted to alacrity.

The next witness was a Mr. John W. Patton, who identified the prisoner with great positiveness. Mr. Patton had worked side by side with him, in July, 1854. Mr. P. was a Virginian; was a constable; had been in Pennsylvania once before in pursuit of another slave of Mr. Simpson's; had got two dollars a day for that service; had been employed by Mr. Rogers, son-in-law and attorney of Mrs. Simpson, to come on and identify the fugitive; had

found Daniel at Harrisburg on the 23d of February, and made the fact known to Mr. Rogers, who had accompanied him. Mr. R. tried to get out a writ for him at Harrisburg, but couldn't find a Commissioner; went to Carlisle and applied to Mr. Thomas Biddle, who declined to act for fear of consequences, but recommended him to come to Philadelphia; came to Philadelphia and applied to several persons before succeeding; at length engaged the services of Mr. Brewster, who took him to Mr. Longstreth, who told him that his papers were defective and that he could not issue a warrant until they were corrected. Mr. Rogers had them sent back to Virginia for correction, which being done, Mr. L. issued his warrant for Daniel's arrest.

Wm. L. Bogue was the next witness. Mr. Bogue took the stand with a defiant toss of the head, and gave his testimony in a loud and somewhat saucy voice. Mr. Bogue was a Virginian; had come to Philadelphia on his own business and with his own money in his pocket. He was a "hotel keeper"; had come to see the city and the people, and to buy. He had not come to testify against Daniel; he had come to *buy*; declined to tell what he had come to buy. *Not* to buy Daniel; he did sometimes "deal in that article." He *had* come this last time to be a witness against Daniel (!). These latter facts were brought out on cross-examination. Mr. Bogue's saucy tone was humbled; his head lost its defiant toss, and he sat down with the becoming confusion of a man whose villany had been detected and exposed.

James H. Gulick was the next witness. Mr. Gulick preferred not to take the book. He was a member of the Baptist Church and had conscientious scruples about taking an oath; had taken an oath, and could not just

say he considered it wicked, but would prefer not to do so now. Counsel for the prisoner objected to this exercise of discretion ; said that the prisoner had the right to bind the witness's conscience in the manner that would be most stringent. Objection overruled, and Mr. Gulick was affirmed.

Mr. Gulick was a Virginian. He knew Daniel Dangerfield, the slave of the late French Simpson. The prisoner was the man ; saw him in Harrisburg on the 23d of February ; had gone there to " spy him out " ; had " circulated " round the town till he found him. He was to receive no pay for his services. He was a son-in-law of the claimant and a prospective heir to her property ; thought he had " experienced a change of heart " ; had aided in the capture of Daniel ; didn't let on that he was a slave, but, for fear of the mob, " said something about his having committed burglary " ; had endeavored to convey that impression.

At this point Mr. Hopper rose and denounced in scathing terms the base hypocrisy of a man whose piety revolted at a judicial oath, but would allow him to entrap an innocent man into slavery by a false insinuation of crime. He pronounced the implication in effect " a cold-blooded and deliberate lie." The pious Baptist doubled his fist and looked furious, but allowed himself to be soothed by his counsel. Mr. Gulick took his seat, very much in the condition of a man who had just come out of a steam-bath.

Sandford P. Rogers was next called. Mr. Rogers was a Virginian ; knew Daniel and identified the prisoner as the man ; had called on several lawyers and commissioners before he could get any one to serve. Mr. Longstreth, on being shown his papers, said they were defec-

tive, and that if a negro were brought before him on such evidence he would discharge him ; had had the papers corrected, and Mr. L. then issued his warrant ; went with it to Harrisburg, accompanied by three officers (Jenkins, Stewart and Taggart) ; did not join in the false cry at the capture ; was not a member of the Church ; paid the expenses of the party ; no wages had been agreed upon ; told Bogue that if they caught the boy, he shouldn't lose anything ; told Patton the same thing.

Here the testimony for the claimant closed.

The counsel for the prisoner asked for a postponement. The afternoon was exhausted and it was time to adjourn. Mr. Brewster objected. The prisoner's counsel insisted. They had as yet had no time to look after the interests of their client. On Saturday they could do nothing. Sunday was a *dies non* ; and to-day they had been occupied in the trial all day. They had witnesses, but had had no time to confer with them ; one of them, being black, had been rudely thrust out of the court-house. The counsel for the claimant resisted strenuously the motion for adjournment and repeated the demand he had previously made for "prompt and summary" action. The Commissioner decided to adjourn the case till the next day at 4 o'clock, p. m., which was done. The crowded assembly retired decorously, and the immense multitude around the house and in the street dispersed in good order.

On Tuesday, at the appointed hour, a dense crowd again filled the streets, and the doors of the court-room were besieged by an eager throng, clamorous for admission. The same scenes were repeated that had been enacted the day before. The ladies who presented themselves, having friends to make interest for them, were admitted, as were also such gentlemen as our counsel were

able to find places for. On the other side there seemed to be less difficulty. The fact that an applicant for entrance was a medical student from the South seemed to be an "open sesame," and "pimps, gamblers and rounders," to quote the language of one of the city police, appeared to have easy access. "The devil is good to his own," you know.

The proceedings in the afternoon were opened by a short but well-considered and effective speech from Mr. Hopper, in which he announced his conclusion to withdraw from the case. The testimony of the previous day had disclosed some facts which, having gone into print, must inevitably produce an impression unfavorable to the character of the Court for impartiality. He had felt it his duty to seek a private interview with the Commissioner, and, calling his attention to the facts, to ask him to transfer the jurisdiction of the case to another court, where it could be taken up *de novo*. This the Commissioner had declined to do. He doubted not that he would make an explanation of his conduct in the matter that would exonerate him from all blame; but his (Mr. Hopper's) course through the rest of the trial must be that of a passive, though not uninterested, spectator.

Mr. Earle followed the motion of Mr. Hopper with a telling speech in the same direction. He imputed no corrupt motive to the Commissioner. But the proper administration of justice required that a judicial tribunal should, like Cæsar's wife, be above suspicion. As for himself, he could admire, but could not imitate, the consistency of his colleague, Mr. Hopper. He must stick to his client to the last, let the case take what shape it might; but he trusted that, out of self-respect and from a proper regard for the purity of the judicial-ermine, the

Commissioner would see fit to transfer the jurisdiction of his case to another tribunal.

Mr. Peirce followed in the same strain and with eloquence.

Brewster, taken aback by this unexpected move, became much excited. Forgetting his propriety, he allowed himself to become vituperative. He denounced the conduct of the counsel for the respondent as "indecent and immoral." They had "ceased to coax and had resorted to bullying."

"The conduct of these persons," said he, "is beyond all precedent, insolent, evasive and arrogant; and never was the dignity of the profession so dragged through mire as in the contemptible concoction of the opposing counsel. It is the product of last night's labor, and its intention is to strike justice in the face, and set precedent at defiance. I speak advisedly when I say, in the presence of one Commissioner beside yourself, that you have done nothing more than your duty. Mr. Rogers, by command of the law, presented himself before you. By the law of the land, before you could issue your warrant, it was your province to instruct the man. I came here not to indulge in camp-meeting oratory, but to speak of what is law. I want only such action as that of Judge Kane or Judge Grier. How dare a Commissioner to issue a warrant to seize the body of a man unless that warrant be a perfect document? Before the entire Judiciary, such conduct would receive a rebuke. What you (the Commissioner) have done is done every day by magistrates everywhere. I do not come here, like the opposing counsel, to blurt out sentimental nonsense, but to fulfil the mandate of the law."

Mr. Peirce responded to Mr. Brewster. He might not

be able to cope with his learned friend in Billingsgate, but in questions of law and justice he needed no instruction from him. He knew what was due to a pure administration of justice ; he knew what precedent required in such cases, and, without any impeachment of the motives of the Commissioner, he must say that any one, on reading the testimony as published, would incline to the suspicion that there had been improper collusion between the claimant and the Commissioner, and that the latter had acted in the double capacity of counsel and judge.

The Commissioner, it is due to him to say, showed no signs of perturbation under this raking fire ; on the contrary, he maintained his equanimity in a manner that was surprising for a novice on the bench. After some remarks on points not relevant to the issue, he said :

“As to the motion itself, a more singular proceeding he had never heard of. Had he supposed the examination had been conducted with any such view, he would have asked the witnesses some questions which would have wholly changed the aspect of affairs. He had meanwhile prepared a written statement, which he would present. He had been called upon by the claimant and the assistant counsel to commence the proceedings in the case. The only paper submitted was a power of attorney. He turned to the act and found that the power of attorney was not authenticated properly, and, as the applicant was an attorney, informed him so. This is the only paper shown to me on Saturday. Mr. Bogue may have been in my office ; but if so, I did not see him, and I examined no papers except the power of attorney, which I was bound to see. On the second occasion they brought to me a new power of attorney, a record and a copy of the will. I chanced to see the record first, and I conceived that I was doing nothing more than my duty in examining it before issuing the warrant. And I should say that if any unknown man came before me for a warrant, it would not be the proper way to issue the writ until I had first seen

that the preliminaries were complied with. In the testimony there was nothing whatever that would justify me in relinquishing the case, even if the act of Congress authorized me to do so. I therefore overrule the motion."

The case went on. Mr. Earle demanded that the witnesses for the defence should be admitted to the room, and be allowed the same privileges as were accorded to the witnesses for the claimant.

Mr. Brewster opposed this as irregular and contrary to usage. The administration of justice required that the witnesses should be admitted one at a time.

"Mr. Commissioner," shouted Mr. Earle, "this is not to be endured. Are we in Pennsylvania, or are we in Virginia? Shall these Virginians be allowed to sit here from day to day and hear each other's testimony, and shall our witnesses, Pennsylvanians, colored though they be, who are here to testify for liberty, be excluded? Sir, we have had enough of Virginia practice and overseer manners here. Something is due to our self-respect as Pennsylvanians. I demand that these witnesses shall be admitted, that we may know they are on hand and that we may see them face to face."

An order was sent to bring in the witnesses. Your correspondent was desired by Mr. Earle to take a message to insure their coming. He passed through the gate of the bar, but found so much obstruction in the way of his egress through the door that he turned to come back. At the gate he was refused readmission. His relation to the case was made known to the officer, as it had been twice before that same day, but not until after some parleying was he allowed to reënter. "Mr. Earle," said he, "you must find some other messenger to do your errand. I have been insulted often enough, and will not subject myself to the same treatment again."

"Mr. Commissioner," again shouted Mr. Earle, "we are insulted at every turn. I have just sent a gentleman with a message to our witnesses, and he is met at the door with rudeness and insult, and that from officers insolent with power and armed with revolvers. If this be not stopped, self-respect will compel me to retire from the case."

A profound silence ensued. Deputy Marshal Jenkins explained that the officer at the door was not aware of the business of the messenger or his relation to the case.

The witnesses were introduced, and seats were placed for them. This was done by the officer, apparently on the principle that any place would do for niggers.

"I object," said Mr. Earle, "to any invidious distinctions being made in this court-room. We are in Pennsylvania, not in Virginia. I demand that our witnesses shall be as well seated as were the witnesses on the other side."

"Where will you have them seated, Mr. Earle?"

"Just where the Virginians sat."

"The Virginians sat there" (pointing to eligible seats near the bar).

"Then there let our witnesses sit."

Five gentlemen, apparently Southern men all, were called upon to resign their chairs, which they did, and the five colored witnesses took their places.

Wm. M. Jones was called, and a tall, stalwart, venerable-looking colored man took the stand. He objected to taking an oath and was affirmed. Mr. Jones was 66 years of age; had lived in Harrisburg since 1823; was minister in the Methodist Church; had followed a variety of pursuits in his life; had been in a drug store and learned to compound medicine, and now followed "doc-

toring" as a business ; had known Daniel Webster since the early part of 1853.

At this point, the witness being unable to see Daniel distinctly, his place being on the opposite side of the room, the prisoner was brought over and placed among the witnesses. Mr. Earle desired that his client should be seated close to his counsel. Mr. Longstreth so ordered. Mr. Brewster objected. Judge Crawford had refused, the day before, in the Sickles case, a similar request. "That was in a trial for murder ; this man is charged with no crime."

The Marshal objected to the prisoner's being removed from the direct custody of the officers who were guarding him. He was responsible for his safe-keeping. Mr. Earle insisted on the counsel's right to have their client near them. The Marshal would accede if Mr. Earle would be responsible. "No, I will not be responsible." Then he must remain in direct custody of the officers. The Commissioner suggested that the officers could sit near Mr. Earle. "I don't want them beside me, nor will I have them. We have a right to converse with our client without being overheard." It was finally arranged that one officer should sit near the prisoners ; but not needlessly (that is within pistol-shot, but not within ear-shot).

Again the case went on. Mr. Jones knew that Daniel was in Harrisburg in 1853, because he had built a house that year, and Daniel had helped him dig the cellar ; he had known him well from that time to the present. A receipt-book, which he presented, enabled him to fix the date of the digging of the cellar beyond a doubt.

Mr. Jones was cross-examined at great length by Mr. Brewster, to test his memory. His life had been an event-

ful and interesting one ; his recollection of dates was subjected to a severe ordeal, but he went through it admirably, producing a most favorable impression on the minds of all in the court-room, his examiner included. Mr. Brewster catechized him for two hours and a half and then dismissed him ; not, however, before paying him the compliment of saying that he believed him to be a " truthful and conscientious man."

James A. Smith was next called. James, in secular things, is porter at Mr. Johnson's book store, and, in religious, a minister of the Baptist persuasion. Had known Daniel ever since 1848 ; knew him first in Baltimore, afterwards in Philadelphia, and subsequently in Harrisburg. James was somewhat flippant in his testimony, and in a case of less solemnity would have been considered a wag. As it was, he bothered Mr. Brewster nearly as much as the younger Weller did Sergeant Buzfuz.

James T. Francis and George W. Hall were the last witnesses called for the defence. These testified to having seen Daniel at Harrisburg in 1853, and to having been at a party with him at the new house of Wm. M. Jones on Christmas eve of that year.

The testimony for the defence here closed, and the Commissioner announced his purpose of finishing the trial before rising. Mr. Earle requested that the man should be measured. The allegation of the claimant was that he left Virginia in " November, 1854," and that he was " 5 feet 7 or 8 inches in height." He proposed that the Commissioner should be the one to measure him. The Commissioner proceeded to do so. Mr. Brewster desired that his boots might be taken off. Objected to by Mr. Earle. The Commissioner said he would take his dimensions with and without his boots. This was accordingly done. With his

boots the man stood 5 feet 10 inches in height ; without, 5 feet 8 and 9-10ths.

Marshal Jenkins was called to rebut the testimony of James A. Smith, who had sworn that he saw Daniel in Philadelphia in 1848-49. Mr. Jenkins would testify from Daniel's admissions to him that that could not be the fact.

Mr. Earle objected strenuously to allowing an officer to testify to any words that might have been uttered by the prisoner in confidence and while under duress. Objection overruled, and Mr. Jenkins sworn. He, Mr. Stewart and Mr. Taggart had made the arrest. They were armed with Colt's six-barrelled revolvers, loaded ; had drawn their weapons when in danger of a mob ; had manacled Daniel at Harrisburg, but had removed the handcuffs at Lancaster and had kept them off till he came to Philadelphia ; Daniel had expressed surprise at finding Philadelphia so large a place, and, in answer to a question, said that he had never seen the city before. *

James Sullivan and Isaiah Bryan were called successively, and deposed that they had heard the prisoner say to Mr. McKim at the Marshal's office that he had never before been in Philadelphia. James Sullivan was Deputy Marshal for this occasion. Wm. Logue, another extemporized Deputy, testified to having heard Daniel say that he had never been in Philadelphia.

This was the close of the testimony, the hour being 12 1-2 o'clock. A moment's recess was taken, during which a few persons left the house ; but the ladies all kept their seats, watching the proceedings with unfaltering interest.

Mr. Brewster commenced summing up, which he did with his characteristic ability. Bad as was his cause, it

is but just to say that his speech, in point of clearness and force, was not unworthy of his professional reputation.

He was followed by Mr. Earle, who took the floor about 2 1-2 o'clock in the morning, greatly exhausted by his labors and vigils. Nevertheless, he made a most searching and eloquent address. He referred to the extraordinary spectacle then under their gaze. A Court in session all night trying the question of an innocent man's right to liberty—armed officers ready to hurry a man born free into hopeless bondage—spectators from Southern plantations, looking on to applaud the wit of their chosen pleader—the absence of everything that ought to give solemnity to the forms of justice—sneers at “rhetorical flourishes” and heartless demands that the advocates of this poor man should “talk professionally,” should “talk like lawyers.” Such was the spectacle before them, and such the language to which they had been compelled to listen.

Mr. Earle went on to expose and denounce the infamous Fugitive Slave law ; to rejoice in the advancing spirit of freedom in the Northern States ; and to exult that the time had passed by when Pennsylvanians would crouch and cringe to the domineering spirit of Southern slavery. With admirable tact he gave these general reflections a particular bearing upon the case in hand, and, after speaking near an hour, took his seat.

Mr. Peirce followed ; and although it was near 4 o'clock in the morning, he entered the lists as fresh as if the battle had just begun. I will not attempt to give even the briefest outline of his admirable speech. As a legal argument and as a popular appeal it was in the highest degree creditable. He followed the line pursued by the counsel

for the claimant, and was able to meet him at every point ; and he made out a case for his client, on the ground of the record, which, to a stickler for the letter of the law, seemed all that could be required.

It was after 5 o'clock, and day had begun to dawn when Mr. Brewster made his concluding speech. It might—if it were not a paradox—be called an eloquent plea for slavery. He made the most of a bad cause ; he managed it with a zeal and an ability worthy of a better one. His blood was up ; he was irritated ; his professional reputation was at stake. To the appeals of his opponents for justice, he had nothing to answer but the “demands of the law,” and on this he rang his changes :

“I crave the law—
The penalty and forfeit of the bond.”

He forgot his vaunted gentlemanly bearing and boasted moderation. At the opening of the trial, he had complimented the “next friend of the slave” for his dignity as a witness ; now, at the end, he sneered at what he called that witness’s “officious testimony.” Then he felt called upon to make an exculpatory statement as to his connection with the case ; now he wound up his peroration with language of very different character : “I said on Saturday that this was the first case of the kind I had ever undertaken ; I now say, *so help me God, it shall not be the last, if another should ever be offered me.*”

With Mr. Brewster’s speech terminated the trial. It was now within 10 minutes of 6 o’clock. We had been in session since 4 the preceding day. The sun had sat and risen again upon our proceedings. The friends of the slave had kept their seats without signs of uneasiness. The Marshal dozed ; the Commissioner’s eyes grew heavy ; the witnesses slept ; the prisoner, having spent the three

previous nights in weary vigils, could keep awake no longer ; the officers rested their heads on the ends of their maces, and the doorkeepers slept at their posts. But Mrs. Mott, Mary Grew and the 20 or 30 other women who were in the room sat erect, their interest unflagging and their watchfulness enduring to the end.

The Commissioner adjourned the Court till 4 o'clock p. m. of the same day, at which time he said he would give his decision.

By noon, the interest of the community had reached a point of intensity that was painful. Of this you may judge when I tell you that the revival prayer-meeting in Sansom street intermitted, for that day, their prohibition of "controverted subjects" and allowed a petition to be put up to the God of the oppressed for the deliverance of Daniel.

At 4 o'clock the court-room was filled by such as were favored to get in ; the streets were filled, and all were waiting to hear the death-knell of the poor prisoner. The Commissioner commenced reading his decision and the silence was audibly profound. I will not repeat the contents of that document. Your readers will have seen it for themselves. Not doubting what would be the conclusion, the first part of it seemed to be an addition of insult to injury. But as it went on, its tone changed, and the thought arose, there yet may be hope. He said it was "not only a question of property that was at issue, but that it involved *the liberty or bondage of a human being.*" His hard voice seemed to have a ring of silver in it. A few more sentences foreshadowed what was coming. "Thank God" were the words that were leaping to every mouth, and "thank God" the expression that beamed from every glistening eye. The feeling was too intense to wait for

the conclusion. It broke out in demonstrations, which with difficulty could be suppressed, till the words were pronounced—"I order the prisoner to be discharged." Then you should have seen the bursts of emotion from the women and heard the hurrahs from the men. A window was thrown up and the good news conveyed to the crowd by the wave of a handkerchief. It was instantly understood, and then went up the shouts in deafening bursts of exulting hurrahs, and the whole city was in a blaze of joyous excitement. The colored people called for Daniel and he was handed out to them, a free man. They almost killed him with embraces and congratulations. He was placed in a carriage that stood near ; the horses were taken out ; as many as could find places took hold of the tongue, and, in less time than it has taken to tell it, he was carried down the street in a blaze of glory.

Such was the end of this exciting and, in some respects, extraordinary slave case. It is felt on all hands to be a glorious triumph ; a proof that old things have passed away ; a harbinger of better things to come. Many causes are assigned for the result ; there is but one that can rationally account for it. That is, *the twenty-five years' steady presentation to this community of anti-slavery truth.* The counsel did well—all of them equally well in their way ; the ladies did well ; our friends at Harrisburg did especially well ; but it was the informing power of the anti-slavery enterprise, which has been at work systematically for the last quarter of a century, that achieved the triumph.

This was the best tried slave case that I have ever seen ; and I believe I have had the melancholy satisfaction of being present at all that have occurred in this city in

the last twenty years. It was conducted with distinguished ability by the counsel on both sides, and I think it no more than justice to say the same thing for the Court.

Now that the excitement is over, and when cool discussion must begin, we should be careful to guard against all improper reflections, either in the way of praise or blame of those who were concerned in it. Of the Commissioner we have nothing to complain except that he is Commissioner. How any man with a heart in his bosom, and especially how a man born and bred as John Cooke Longstreth has been, can accept such an odious office, can perform its hideous functions, and can sit in judgment on an innocent man's right to liberty, is almost past comprehension. For the inhumanity and wickedness of intelligently accepting such an office and voluntarily performing its functions our language has no adjective too strong.

But when this is said, it seems to me there is no call for further condemnation, so far as this case is concerned. Mr. Longstreth tried the case with dignity, with ability, and with almost cruel impartiality. He endeavored to be "impersonal" on a question of humanity, and almost forgot what was due to himself and to his kind in his sense of obligation to the law. Happily he did not quite succeed. He had virtue enough to do right in the last extremity, and thus saved himself from the gulf that was yawning to receive him. His pseudo friends, though ever magnifying the authority of the law and its magistrates, are loud in his condemnation. Their conduct is preposterous. Mr. Longstreth's decision was a logical necessity. He could give but one answer to the claimants on their own premises: "Your man, you say, left you in November

1854, and was 5 feet 7 or 8 inches high ; *this* man, it has been proved on credible testimony, was in Harrisburg in the year 1853, and is, by my own measurement, *5 feet 10 inches high* ; you have not made good your proof of identity, and I am bound to discharge the prisoner." No case could well be clearer.

As for the witnesses, there was a striking equality on both sides. They had five and we had five. Their first was a Doctor, and our first was a Doctor. Their Doctor came with his fee-book under his arm, and ours came with his receipt-book under his. Their Doctor stood a half-hour's cross-examination very well, but our Doctor stood a two hours and a half's trial still better. They had a Baptist as well as we ; but though our Baptist was perhaps no better than he should be, he had a big heart of humanity in his bosom, and was not the traitor to his kind that the Virginia Baptist was proved to be. Against the slave-trader Bogue, we had no one on our side base enough to be a set-off.

By the way, on this point let me tell you one or two little facts that happened as by-play in the case.

Bogue didn't value very highly the services of his Baptist coadjutor as witness. He was heard to say, " Gulick's testimony would have all been well enough if it hadn't been for his d—d religion." Bogue told the truth better than he supposed when he said that.

Our Baptist man was a good enough witness in intention ; otherwise he was not perfect. The best justification, perhaps, that can be given of his course is to tell the story of the man, of whom his case reminded our friend Purvis.

"Are you quite sure," said Mr. Purvis to a warm-hearted fellow who had sworn with some positiveness to a

date favorable to the freedom of a prisoner who was claimed as a slave, "that you saw the man at the time you said you did?" "Well, no, Mr. Purvis, I am not quite sure, but I considered it my duty to give the prisoner the benefit of the doubt."

When the Court adjourned, after the Commissioner's decision, a remark was made by Mr. Brewster that is worth repeating, as showing the drift of public sentiment. Our colored Baptist brother aforesaid, who was much elated, spoke to Mr. Brewster, who was not elated, in a manner regarded by the latter as "impudent," and which was resented accordingly. After expressing his mind pretty freely and in terms commensurate with his feelings, Mr. Brewster turned to the by-standers, and added, in the tone of a man that would not be put down, "a white man still has some rights that a black man is bound to respect."

But I must force myself to stop, before my letter reaches a length that will be altogether unpublishable. I had intended to add some account of a public meeting which was held to clinch the nail that had been driven by the Commissioner's decision; but I have left myself no space. Suffice it to say, we held the meeting, on Friday evening, in Sansom Hall. It was large and enthusiastic. Wm. B. Thomas presided. Wm. S. Peirce, J. M. McKim, Robert Purvis, Mary Grew, Mr. Buxton and Mr. Brunner were the speakers. The mob came to put us down. They were on the point of succeeding, and of taking possession of the hall, when the Mayor's police came in and suppressed them. "I will preserve order," shouted the Chief of Police, "if it be necessary at the expense of life." The ring-leaders were arrested and order was restored. It was the first pro-slavery mob we have ever

seen put down by the authorities in this city. It was another victory. Mayor Henry has behaved like a gentleman and a conscientious officer, and his Chief, Mr. Ruggles, has done his duty. The day of Pennsylvania's redemption draweth nigh.

M.

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